

REMARKS/ARGUMENTS

Claims 1-39 were previously pending. Applicants have canceled claim 1. Therefore, claims 2-39 are now pending.

Applicants' attorney, Saeid Mirsafian, conducted a telephone interview with Examiner McPartlin on July 18, 2008. Applicants' attorney and the Examiner discussed rejection of the claims over Baumann (6,688,697). Applicants' attorney and the Examiner discussed claim amendments that can overcome the rejection. The Examiner indicated that the discussed amendments overcome the rejection over Baumann, but further search and consideration is required. Applicants would like to thank the Examiner for her time and effort in conducting the interview.

Claim 22 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants have amended claim 22 to recite "wherein the actuating element functions as the holding element in the locked state." Applicants believe that the amendment to claim 22 overcomes this rejection.

Claim 1-21 and 23-39 have been rejected under 35 U.S.C. 102(e) over Baumann. Applicants have canceled claim 1 and amended claim 6 to recite "toothed regions serving as a resetting lock configured to prevent immediate resetting movement of the headrest from said predetermined position produced through shifting the headrest in a crash situation." Applicants have further amended claim 6 to recite "wherein the stop continues to act on the component part while the headrest body is moved back into a useful position after the toothed regions have been brought out of engagement." Applicants believe that Baumann does not teach or suggest the noted limitations of claim 6.

Referring to Figs. 2a-2c, the latching portions 17 and 18 engage to prevent shifting back of the extended part 12 of the head restraint (see Baumann at col. 5, lines 36-46). After the latching lever 7 is manually moved to disengage the latching portion 17 from the latching portion 18, the extended part 12 can be reset to the pre-crash position (see Baumann at col. 5, lines 56-60). However, in contrast to claim 6, after the latching portions 17 and 18 are disengaged,

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Baumann does not teach or suggest a stop, wherein the stop continues to act on the component part while the headrest body is moved back into a useful position after the toothed regions have been brought out of engagement.

For the foregoing reasons, Applicants believe that claims 2-21 and 23-39 are patentable over Baumann.

Claim 22 has been indicated to be allowable.

Applicants believe that claims 2-39 are in condition for allowance.

Respectfully submitted,
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